

May 3, 2006

**OFFICE OF THE HEARING EXAMINER  
KING COUNTY, WASHINGTON**

400 Yesler Way, Room 404  
Seattle, Washington 98104  
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**REPORT AND DECISION**

SUBJECT: Department of Development and Environmental Services File No. **L04P0035**  
Proposed Ordinance No. **2006-0148**

**KENDALL RIDGE**  
Preliminary Plat Application

Location: East side of 132nd Avenue Southeast, approximately 600 feet south of  
its intersection with Southeast 304th Street

Applicant: Jeffrey Hamilton  
Kendall Ridge, LLC  
*represented by* **Shupe Holmberg**  
Baima & Holmberg  
100 Front Street South  
Issaquah, Washington 98027  
Telephone: (425) 392-0250

King County: Department of Development and Environmental Services,  
*represented by* **Trishah Bull**  
900 Oakesdale Avenue Southwest  
Renton, Washington 98055  
Telephone: (206) 296-6758  
Facsimile: (206) 296-7051

**SUMMARY OF DECISION/RECOMMENDATIONS:**

Department's Preliminary Recommendation:	Approve with conditions
Department's Final Recommendation:	Approve with conditions
Examiner's Decision:	Approve with conditions

**EXAMINER PROCEEDINGS:**

Hearing Opened:	April 18, 2006
Hearing Closed:	April 18, 2006

Participants at the public hearing and the exhibits offered and entered are listed in the attached minutes.  
A verbatim recording of the hearing is available in the office of the King County Hearing Examiner.

**FINDINGS, CONCLUSIONS & DECISION:** Having reviewed the record in this matter, the Examiner now makes and enters the following:

**FINDINGS:**

**1. General Information:**

Owner/Developer: Jeffrey Hamilton  
Kendall Ridge, LLC  
15 Lake Bellevue Drive #102  
Bellevue, WA 98005  
(425) 869-1300

Engineer: Baima & Holmberg Inc.  
100 Front Street South  
Issaquah, WA 98027  
(425) 392-0250

STR: NW-10-21-05

Location: The property is located on the eastern side of 132<sup>nd</sup> Avenue SE, approximately 600 feet south of the 132<sup>nd</sup> Avenue SE and SE 304<sup>th</sup> Street intersection.

Zoning: R-6-SO, R-1-SO, RA-5-SO  
Acreage: 30.17 acres  
Number of Lots: 106  
Density: 3.51 units per acre  
Lot Size: Ranges from approximately 3,400 to 29,000 square feet  
Proposed Use: Single-family detached dwellings  
Sewage Disposal: City of Auburn  
Water Supply: City of Auburn  
Fire District: King County District No. 44  
School District: Auburn School District No. 408  
Complete Application Date: December 29, 2004

2. Except as modified herein, the facts set forth in the DDES reports to the Examiner and the DDES and King County Department of Transportation testimony and applicant testimony are found to be correct and are incorporated herein by reference.
3. The subject property is a 30.17-acre, roughly L-shaped parcel located in the Lea Hill unincorporated area south of the City of Kent and northeast of the City of Auburn. Its specific location is on the east side of 132nd Avenue Southeast, approximately 600 feet south of its intersection with Southeast 304th Street. The site descends gently to the east from 132nd Avenue Southeast for most of its eastward extent; in the eastern quarter, the terrain drops more steeply to the east property boundary toward SR 18. The slope gradients in the eastern quarter are in the range of 20-25 percent grade with some isolated areas up to 40 percent grade. The property lies within the Soos Creek drainage basin, and contains Class 3 wetlands. It is vegetated in the eastern third with a mix of mature deciduous and coniferous trees with a relatively dense understory; the western portion is vegetated with grass and brush. Seven existing residences lie on the six parcels which make up the property, as well as numerous outbuildings, all located in

the western portion of the site. The surrounding area consists of an urbanizing area, formerly rural but now being developed with extensive suburban-scale residential subdivisions, one of which abuts to the south and is under construction (*Marchini Meadows*; L02P0002), and one of which is proposed adjacent to the north (*Estes Park*; L05P0027).

4. Applicant Kendall Ridge, LLC proposes subdivision of the property into 106 lots for detached single-family residences. The residential density would be approximately 3.5 units per acre, with lot sizes ranging from approximately 3,400 to 29,000 square feet. Internal access to the lots would be provided by the extension of two public roads easterly into the site from 132nd Avenue Southeast which would lead to an internal network of cross streets and short cul-de-sacs and a road stub abutting the north boundary (for future extension to the north into the proposed *Estes Park* subdivision). (An existing east-west access easement along the north boundary will remain, placed in Tract K. The road stub barrier will be placed on the south side of the easement.) Road Variance L04V0086 has been approved by KCDOT for this development. Recreation facilities will be placed in Tract D. The onsite wetlands and required buffers will be placed in Sensitive Area Tracts, except for the designated Wetland B, which will be filled; mitigation will be provided for the loss of Wetland B.
5. The stormwater drainage and detention plan for the proposed subdivision has been developed after extensive cooperative review by the Applicant and DDES. A drainage adjustment (L04V0088) has been approved by DDES to combine the onsite drainage subbasins into one post-developed detention facility. In order to maintain the stability of the steep slope in the eastern portion of the site, drainage will be tightlined over and down the slope to a detention vault at the bottom of the slope, after which drainage will be conveyed into the SR 18 right-of-way, underneath the highway and tightlined to Soosette Creek, where the existing outfall is in good condition without erosion potential caused by the additional conveyance. Preliminary Washington State Department of Transportation (WSDOT) approval has been obtained for the highway undercrossing; formal permits will be necessary for construction work within the highway right-of-way. The drainage facilities will be constructed to Level 2 standards, and the site construction and drainage conveyance over the slope will be subject to extensive geotechnical review both prior to construction and during construction-period monitoring.
6. The Auburn School District indicates that resident schoolchildren will be bussed to their respective schools from the plat entry. An elementary school is proposed to be developed to the north on 132nd Avenue Southeast, which would be within walking distance. If in the future resident elementary schoolchildren walk to their school, there will be adequate walkways to provide safe walking conditions.
7. One of the conditions recommended by DDES in order to provide safe walking conditions along the full extent of the outer reaches of the property is to require frontage improvements along an exception parcel which is to be left out of the development (it is under separate ownership). The Applicant has no objection to such requirement and has obtained an initial commitment by the respective property owner to grant the supplemental right-of-way width necessary for such installation along the exception parcel's frontage.

#### CONCLUSIONS:

1. The proposed subdivision, as conditioned below, would conform to applicable land use controls. In particular, the proposed type of development and overall density are specifically permitted under the R-6-SO, R-1-SO and RA-5-SO zones applied to the site.

2. If approved subject to the conditions below, the proposed subdivision will make appropriate provisions for the topical items enumerated within RCW 58.17.110, and will serve the public health, safety and welfare, and the public use and interest.
3. The conditions for final plat approval set forth below are reasonable requirements and in the public interest.
4. The dedications of land or easements within and adjacent to the proposed plat, as shown on the revised preliminary plat submitted on February 6, 2006, or as required for final plat approval, are reasonable and necessary as a direct result of the development of this proposed plat, and are proportionate to the impacts of the development.

DECISION:

The preliminary plat of the *Kendall Ridge* subdivision, as revised and received February 6, 2006, is approved subject to the following conditions of approval:

1. Compliance with all platting provisions of Title 19A of the King County Code.
2. All persons having an ownership interest in the subject property shall sign on the face of the final plat a dedication which includes the language set forth in King County Council Motion No. 5952.
3. The plat shall comply with the density requirements of the R-6-SO, R-1-SO, and RA-5-SO zone classifications. All lots shall meet the minimum dimensional requirements of the R-6-SO, R-1-SO, and RA-5-SO zone classifications or shall be as shown on the face of the approved preliminary plat, whichever is larger, except that minor revisions to the plat which do not result in substantial changes may be approved at the discretion of the Department of Development and Environmental Services.
4. All construction and upgrading of public and private roads shall be done in accordance with the King County Road Standards established and adopted by Ordinance No. 11187, as amended (1993 KCRS).
5. The applicant shall obtain documentation by the King County Fire Protection Engineer certifying compliance with the fire flow standards of Chapter 17.08 of the King County Code.
6. Final plat approval shall require full compliance with the drainage provisions set forth in King County Code 9.04. Compliance may result in reducing the number and/or location of lots as shown on the preliminary approved plat. Preliminary review has identified the following conditions of approval which represent portions of the drainage requirements. All other applicable requirements in KCC 9.04 and the Surface Water Design Manual (SWDM) must also be satisfied during engineering and final review.
  - a. Drainage plans and analysis shall comply with the 1998 King County Surface Water Design Manual and applicable updates adopted by King County. DDES approval of the drainage and roadway plans is required prior to any construction.
  - b. Current standard plan notes and ESC notes, as established by DDES Engineering Review, shall be shown on the engineering plans.

- c. The following note shall be shown on the final recorded plat:

“All building downspouts, footing drains, and drains from all impervious surfaces such as patios and driveways shall be connected to the permanent storm drain outlet as shown on the approved construction drawings # \_\_\_\_\_ on file with DDES and/or the King County Department of Transportation. This plan shall be submitted with the application of any building permit. All connections of the drains must be constructed and approved prior to the final building inspection approval. For those lots that are designated for individual lot infiltration systems, the systems shall be constructed at the time of the building permit and shall comply with plans on file.”
  - d. The drainage detention facilities shall be designed to meet at a minimum the Level 2 Flow Control and Basic Water Quality menu in the 1998 King County Surface Water Design Manual (KCSWDM). The site is also located in a Landslide Hazard Drainage Area and a drainage tightline is required according Core requirement 1 of the KCSWDM. Details of the proposed tightline are required on the engineering plans.
  - e. The applicant geotechnical engineer shall provide recommendations for the design and construction of the drainage detention facility, facility access road, and drainage tightline. The geotechnical recommendations shall be included in the T.I.R. and incorporated into the design with submittal of the engineering plans.
  - f. Special geotechnical construction inspection of the drainage detention facility, facility access road and tightline is required to ensure compliance with the geotechnical recommendations. Inspection reports shall be submitted to the assigned Land Use Inspector during the construction phases of those facilities. A final construction report shall be submitted verifying compliance with the geotechnical recommendations.
  - g. A drainage adjustment (L04V0088) is approved to combine the onsite subbasins into one post-developed detention facility. All conditions of approval for this adjustment shall be incorporated into the engineering plans.
  - h. All required permits from WSDOT for the drainage outlet shall be obtained prior to engineering plan approval.
  - i. This site is subject to the Wet Season Erosion Control Requirements in Appendix D of the 1998 King County Surface Water Design Manual (KCSWDM). If construction is occurring in the wet season, an erosion control supervisor shall be designated per Section D.5.4. Weekly reviews and documentation shall be provided per Section D.5.4 Maintenance Requirements. Notes for these requirements shall be placed on the engineering plans. Because the site is in close proximity to Soosette Creek, DDES encourages that no site construction take place during the seasonal limitation period (October 1 to April 30).
  - j. The 100-year floodplain for any onsite streams or wetlands shall be shown on the engineering plans and the final plat per Special Requirement 2 of the KCSWDM.
7. The proposed subdivision shall comply with the 1993 King County Road Standards (KCRS) including the following requirements:
- a. Roads A and B shall be improved at a minimum to the urban subcollector standard. At the northerly terminus of Road “B”, a temporary Type III barricade shall be installed, with appropriate signage to indicate that the roadway will be extended with the

development of the abutting property (currently in review under DDES File #L05P0027 “Estes Park”). Plans for the precise details of the signage and barricade shall be submitted to, reviewed and approved by KCDOT during engineering plan review

The entry portion of Road A off 132<sup>nd</sup> Avenue SE shall be improved at a minimum to 36 feet in width (Neighborhood Collector Standard) for the first 150 feet in length from 132<sup>nd</sup> Avenue SE.

- b. Roads C and D, Road B from Road D to Road A, and Road A from Road B to Road C shall be improved at a minimum to the urban subaccess street standard.
- c. Roads E and F and Road A from Road C to the cul-de-sac shall be improved at a minimum to the urban minor access street standard.
- d. FRONTAGE: The frontage along 132<sup>nd</sup> Avenue SE shall be improved at a minimum to the urban minor arterial standard.

Road Variance L04V0086 is approved for this site. All conditions of approval for this variance shall be met prior to engineering plan approval.

- e. Tract L shall be constructed to the Private Access Tract standard, except that a curb-gutter and sidewalk shall also be constructed from the intersection with Road “F” west to Lot 90, per Section 2.09 of the 1993 KCRS. This tract shall be owned and maintained by the lot owners served. Notes regarding the ownership and maintenance of this tract shall be shown on the engineering plans and final plat.

Tracts H and M shall also be improved to the Private Access Street standard.

- f. Tracts F, G, I, J, and N shall be improved to the joint use driveway standard per Section 3.01 of the KCRS. These tracts shall be owned and maintained by the lot owners served. Notes regarding ownership and maintenance shall be shown on the engineering plans and the final plat.
  - g. There shall be no direct vehicular access to or from 132<sup>nd</sup> Avenue SE from those lots which abut it, with the exception of Lot 90 which may continue to have direct access. A note to this effect shall appear on the engineering plans and final plat.
  - h. Modifications to the above road conditions may be considered according to the variance provisions in Section 1.08 of the KCRS.
- 8. All utilities within proposed rights-of-way must be included within a franchise approved by the King County Council prior to final plat recording.
  - 9. The applicant or subsequent owner shall comply with King County Code 14.75, Mitigation Payment System (MPS), by paying the required MPS fee and administration fee as determined by the applicable fee ordinance. The applicant has the option to either: (1) pay the MPS fee at final plat recording, or (2) pay the MPS fee at the time of building permit issuance. If the first option is chosen, the fee paid shall be the fee in effect at the time of plat application and a note shall be placed on the face of the plat that reads, "All fees required by King County Code 14.75, Mitigation Payment System (MPS), have been paid." If the second option is chosen, the fee paid shall be the amount in effect as of the date of building permit application.

10. Lots within this subdivision are subject to King County Code 21A.43, which imposes impact fees to fund school system improvements needed to serve new development. As a condition of final approval, fifty percent (50%) of the impact fees due for the plat shall be assessed and collected immediately prior to recording, using the fee schedules in effect when the plat receives final approval. The balance of the assessed fee shall be allocated evenly to the dwelling units in the plat and shall be collected prior to building permit issuance.
11. The planter islands (if any) within the cul-de-sacs shall be maintained by the abutting lot owners or homeowners association. This shall be stated on the face of the final plat.
12. The proposed subdivision shall comply with the Sensitive Areas Code as outlined in KCC 21A.24. Permanent survey marking, and signs as specified in KCC 21A.24.160 shall also be addressed prior to final plat approval. Temporary marking of sensitive areas and their buffers (e.g., with bright orange construction fencing) shall be placed on the site and shall remain in place until all construction activities are completed.
13. Preliminary plat review has identified the following specific requirements which apply to this project. All other applicable requirements from KCC 21A.24 shall also be addressed by the applicant.

#### **Wetlands**

- a. The on-site Class 3 wetlands shall have a minimum, undisturbed 25-foot buffer as measured from the wetland edge.
- b. The Class 3 wetland “wetland B” maybe filled subject to a mitigation plan. A conceptual plan was submitted and reviewed for preliminary approval. A final wetland mitigation plan shall be required during engineering review.
- c. Wetlands and buffers shall be placed in a Sensitive Areas Tracts.
- d. A 15 foot building setback line (BSBL) is required from the edge of all Sensitive Areas Tracts and shall be shown on all affected lots.
- e. Road construction in or near wetlands or buffers shall utilize construction techniques such as retaining walls to avoid impacts to sensitive areas.
- f. Construction and sedimentation fencing shall be used at the edge of the Sensitive Areas Tract boundaries to ensure protection of the sensitive areas during the construction phase of the project. The fencing shall remain in place until after construction is completed.
- g. To ensure long term protection of the sensitive areas, a permanent split-railed type fence and sensitive area signage shall be required after the construction phase and prior to home building along the Sensitive Area Tract boundaries.
- h. During engineering and/or early start plat review the applicant shall provide a wetland hydrology analysis to demonstrate how the wetland hydrology will be maintained post-construction.

**Geotechnical**

- i. Determine the top, toe, and sides of 40% slopes by field survey. Provide a 50-foot buffer these slopes. The buffer may be reduced with the submittal of a satisfactory soils report, subject to review and approval by DDES geologist, prior to engineering plan approval.
  - j. The applicant shall delineate all on-site erosion hazard areas on the final engineering plans (erosion hazard areas are defined in KCC 21A.06.415). The delineation of such areas shall be approved by a DDES geologist. The requirements found in KCC 21A.24.220 concerning erosion hazard areas shall be met, including seasonal restrictions on clearing and grading activities.
  - k. A grading plan shall be included with submittal of the engineering plans. This plan shall include the location and height of all proposed cuts, fills, rockeries and retaining walls.
14. The following note shall be shown on the final engineering plan and recorded plat:

**RESTRICTIONS FOR SENSITIVE AREA TRACTS AND SENSITIVE  
AREAS AND BUFFERS**

Dedication of a sensitive area tract/sensitive area and buffer conveys to the public a beneficial interest in the land within the tract/sensitive area and buffer. This interest includes the preservation of native vegetation for all purposes that benefit the public health, safety and welfare, including control of surface water and erosion, maintenance of slope stability, and protection of plant and animal habitat. The sensitive area tract/sensitive area and buffer imposes upon all present and future owners and occupiers of the land subject to the tract/sensitive area and buffer the obligation, enforceable on behalf of the public by King County, to leave undisturbed all trees and other vegetation within the tract/sensitive area and buffer. The vegetation within the tract/sensitive area and buffer may not be cut, pruned, covered by fill, removed or damaged without approval in writing from the King County Department of Development and Environmental Services or its successor agency, unless otherwise provided by law.

The common boundary between the tract/sensitive area and buffer and the area of development activity must be marked or otherwise flagged to the satisfaction of King County prior to any clearing, grading, building construction or other development activity on a lot subject to the sensitive area tract/sensitive area and buffer. The required marking or flagging shall remain in place until all development proposal activities in the vicinity of the sensitive area are completed.

No building foundations are allowed beyond the required 15-foot building setback line, unless otherwise provided by law.

15. Suitable recreation space shall be provided consistent with the requirements of KCC 21A.14.180 and KCC 21A.14.190 (i.e., sport court[s], children's play equipment, picnic table[s], benches, etc.).
- a. A detailed recreation space plan (i.e., area calculations, dimensions, landscape specifications, equipment specifications, etc.) shall be submitted for review and approval by DDES and King County Parks prior to or concurrent with the submittal of the engineering plan. This plan must not conflict with the Significant Tree Inventory & Mitigation Plan.



- b. A performance bond for recreation space improvements shall be posted prior to recording of the plat.
16. A homeowners' association or other workable organization shall be established to the satisfaction of DDES which provides for the ownership and continued maintenance of the recreation, open space and/or sensitive area tract(s).
17. Street trees shall be provided as follows (per KCRS 5.03 and KCC 21A.16.050):
- a. Trees shall be planted at a rate of one tree for every 40 feet of frontage along all roads. Spacing may be modified to accommodate sight distance requirements for driveways and intersections.
  - b. Trees shall be located within the street right-of-way and planted in accordance with Drawing No. 5-009 of the 1993 King County Road Standards, unless King County Department of Transportation determines that trees should not be located in the street right-of-way.
  - c. If King County determines that the required street trees should not be located within the right-of-way, they shall be located no more than 20 feet from the street right-of-way line.
  - d. The trees shall be owned and maintained by the abutting lot owners *or* the homeowners association or other workable organization unless the County has adopted a maintenance program. Ownership and maintenance shall be noted on the face of the final recorded plat.
  - e. The species of trees shall be approved by DDES if located within the right-of-way, and shall not include poplar, cottonwood, soft maples, gum, any fruit-bearing trees, or any other tree or shrub whose roots are likely to obstruct sanitary or storm sewers, or that is not compatible with overhead utility lines.
  - f. The applicant shall submit a street tree plan and bond quantity sheet for review and approval by DDES prior to engineering plan approval.
  - g. The applicant shall contact Metro Service Planning at 684-1622 to determine if 132<sup>nd</sup> Avenue SE is on a bus route. If 132<sup>nd</sup> Avenue SE is a bus route, the street tree plan shall also be reviewed by Metro.
  - h. The street trees must be installed and inspected, or a performance bond posted, prior to recording of the plat. If a performance bond is posted, the street trees must be installed and inspected within one year of recording of the plat. At the time of inspection, if the trees are found to be installed per the approved plan, a maintenance bond must be submitted or the performance bond replaced with a maintenance bond, and held for one year. After one year, the maintenance bond may be released after DDES has completed a second inspection and determined that the trees have been kept healthy and thriving.
  - i. A landscape inspection fee shall also be submitted prior to plat recording. The inspection fee is subject to change based on the current County fees.

18. To implement KCC 21.A.38.230, Special District Overlay – Significant Trees, which applies to the site, a detailed tree retention plan shall be submitted with the engineering plans for the subject plat. The tree retention and engineering plans shall be consistent with the requirements of KCC. No clearing of the site is permitted until the tree retention plan is approved by DDES. Flagging and temporary fencing of trees to be retained shall be provided, consistent with KCC. The placement of impervious surfaces, fill material, excavation work, or the storage of construction materials is prohibited within the fenced areas around preserved trees, except as may be permitted under the provisions of KCC.

A note shall be placed on the final plat indicating that the trees shown to be retained on the tree retention plan shall be maintained by the future owners of the proposed lots, consistent with KCC 21A.38.230B6. The tree retention plan shall be included as part of the final engineering plans for the subject plat.

19. The following mitigation measures have been established under SEPA substantive authority in the action's MDNS as necessary requirements to mitigate the adverse environmental impacts of this development. The developer shall demonstrate compliance with these items prior to final approval.

Prior to final approval of construction activities on the site, the boundary between the Sensitive Area Tract(s) and adjacent land shall be identified using a split-rail fence and permanent signs.

To mitigate the significant adverse impact the project will have at the High Accident Location (HAL) at the SR 18 WB/ SE 304<sup>th</sup> Street on/off ramps, the applicant shall pay a pro-rata share to WSDOT project PIN # 1018112G WIN # A01812G. The estimated amount of the pro-rata share is \$750/lot. Evidence that payment of the pro-rata share to WSDOT has been made, or that an alternative financial agreement satisfactory to WSDOT has been executed by the Applicant, shall be provided to DDES prior to recordation of the subdivision.

ORDERED this 3rd day of May, 2006

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Peter T. Donahue, Deputy  
King County Hearing Examiner

TRANSMITTED this 3rd day of May, 2006 to the following parties and interested persons of record:

Robert Casey  
1201 Pacific Ave., Ste. 1200  
Tacoma WA 98402

Jeffrey E. Hamilton  
Kendall Ridge, LLC  
15 Lk. Bellevue Dr., #102  
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Shupe Holmberg  
Baima & Holmberg  
100 Front Street South  
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Robert A. Jonak  
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Seattle KC Health Dept.  
E. Dist. Environ. Health  
14350 SE Eastgate Way  
Bellevue WA 98007

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Larry West  
DDES/LUSD  
MS OAK-DE-0100

Bruce Whittaker  
DDES/LUSD  
MS OAK-DE-0100

### NOTICE OF RIGHT TO APPEAL

In order to appeal the decision of the Examiner, written notice of appeal must be filed with the Clerk of the King County Council with a fee of \$250.00 (check payable to King County Office of Finance) ***on or before May 17, 2006***. If a notice of appeal is filed, the original and six (6) copies of a written appeal statement specifying the basis for the appeal and argument in support of the appeal must be filed with the Clerk of the King County Council ***on or before May 24, 2006***. Appeal statements may refer only to facts contained in the hearing record; new facts may not be presented on appeal.

Filing requires actual delivery to the Office of the Clerk of the Council, Room 1025, King County Courthouse, 516 3<sup>rd</sup> Avenue, Seattle, Washington 98104, prior to the close of business (4:30 p.m.) on the date due. Prior mailing is not sufficient if actual receipt by the Clerk does not occur within the applicable time period. The Examiner does not have authority to extend the time period unless the Office of the Clerk is not open on the specified closing date, in which event delivery prior to the close of business on the next business day is sufficient to meet the filing requirement.

If a written notice of appeal and filing fee are not filed within fourteen (14) calendar days of the date of this report, or if a written appeal statement and argument are not filed within twenty-one (21) calendar days of the date of this report, the decision of the hearing examiner contained herein shall be the final decision of King County without the need for further action by the Council.

### MINUTES OF THE APRIL 18, 2006, PUBLIC HEARING ON DEPARTMENT OF DEVELOPMENT AND ENVIRONMENTAL SERVICES FILE NO. L04P0035.

Peter T. Donahue was the Hearing Examiner in this matter. Participating in the hearing were Trishah Bull, Bruce Whittaker and Kristen Langley representing the Department; and Shupe Holmberg representing the Applicant.

The following Exhibits were offered and entered into the record:

- Exhibit No. 1 Department of Development and Environmental Services file no. L04P0035
- Exhibit No. 2 Department of Development and Environmental Services preliminary report, dated April 18, 2006
- Exhibit No. 3 Application for Land Use Permits received December 29, 2004
- Exhibit No. 4 Environmental checklist dated December 29, 2004
- Exhibit No. 5 Mitigated Determination of Non-significance dated March 21, 2006

- Exhibit No. 6 Affidavit of posting indicating a posting date of February 11, 2005, and received by DDES on February 11, 2005
- Exhibit No. 7 Preliminary plat map received February 6, 2006 (revised)
- Exhibit No. 8 Level 1 Downstream Drainage Report by Baima & Holmberg, Inc., received March 30, 2005 (revised)
- Exhibit No. 9 Geotechnical engineering study by Earth Consultants, Inc., received December 29, 2004
- Exhibit No. 10 Conceptual wetland mitigation report by Altmann Oliver Associates, Inc., received June 17, 2005
- Exhibit No. 11 Wetland and wildlife study by Altmann Oliver Associates, Inc., received December 29, 2004
- Exhibit No. 12 Conceptual recreation Plan by Lane & Associates received November 29, 2005 (revised)
- Exhibit No. 13 L04V0088 – approved KCSWDM adjustment
- Exhibit No. 14 L04V0086 – approved variance to the 1993 King County Road Standards
- Exhibit No. 15 Traffic impact study by Transportation Engineering NorthWest received December 29, 2004
- Exhibit No. 16 Preliminary grading/storm plan by Baima & Holmberg, Inc., received December 30, 2005
- Exhibit No. 17 Condition of stormwater outflow and energy dissipation device report by Gilles consulting received May 11, 2005
- Exhibit No. 18 Additional geotechnical condition 13.k
- Exhibit No. 19 Letter of intent from Hugh and Marie Neideffer dated 6/02/05
- Exhibit No. 20 Letter from J. Jeffery Potter re: road alignment for the Kendall Ridge development